

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, JULY 7, 2011 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00 P.M.

Roll call showed that Mayor Michael P. Manning, Councilwoman Ellen R. Fogarty and Councilman Nicholas W. Foglia were present.

Also present from City Administration were: Mark Gleason, General Manager, Yorden C. Huban; Corporation Counsel, Bruce A. Hidley, City Clerk and Clerk to the Council Robert A. Fahr, Director of Finance, Fire Chief Scott Skinner and Police Chief Ron Boisvert.

A motion was made and seconded to dispense with and accept the minutes from the previous City Council Meeting.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager explained that Clough Harbour Associates (CHA) lead engineer Mike Hurtt, Jim Bulmer and Mr. Gleason walked 19th Street on Thursday, June 30, 2011 to review the 19th Street Reconstruction Project. The committee reviewed the saw cuts that Green Island Construction made in preparation of repairing the cracks. Mr. Gleason noted that the committee discovered about 10 saw cuts that were incorrect and corrected them. GI Contracting has forwarded a schedule as to making the repairs (cracks, depressed bricks over the trees/dead trees). The work noted above began this week on 19th Street. GI Contracting anticipates that it will take at least one month to complete the City's request. Jim Bulmer and CHA inspectors will be on site during the repairs to ensure that they are made to the City's satisfaction. Mr. Gleason also explained that sealing the street seams was also discussed. Mr. Hurtt of CHA has suggested to GI Contracting that a process of heating the seams with a hot iron, then rolling the seams with the proper roller which will reseal the seams. The City has made it very clear to GI Contracting that sealing the seams will be done to our liking not theirs. Mr. Gleason further noted that GI Contracting has taken this suggestion under advisement. Mr. Gleason concluded by saying that he will keep the Council updated on the status of this portion of the project.

ITEM #2 – Mark Gleason, General Manager informed the Council that on Wednesday, June 29, 2011 he attended a session by NYS Transportation Commissioner Joan McDonald. The topic at this meeting was the briefing of Building a NEW New York. Mr. Gleason explained that Governor Andrew Cuomo has sent out his Commissioners throughout NYS. Mr. Gleason attended the session which was held in the Town of Colonie. Commissioner McDonald reviewed the first six months of the Cuomo administration and the effect the legislation he signed into law has had on municipalities. Commissioner McDonald outlined the Cuomo administrations agenda for this legislative session. Ethics Reform/Balanced on time Budget/marriage equity and a Property Tax cap were goals that were achieved by his administration. Mr. Gleason noted that although Ethics Reform, a balanced on time budget and marriage equality are important issues, the property tax cap legislation has the greatest impact on the City of Watervliet. Mr. Gleason learned that the caps year to year growth in municipal tax levies at the lesser of 2% or the annual increase in the Consumer price Index.

The tax cap will be effective for the municipal fiscal years beginning in 2012. Robert A. Fahr, Director of Finance is currently working on this budgetary issue for 2012. The Tax Cap applies to “taxes imposed on Real Property by or on behalf of a County, City or Town. The tax cap will remain in effect as long as New York State’s Rent Stabilization Law remains in effect. Mr. Gleason noted that a local governing body may adopt a Local Law to override the tax cap. The override is good for one year and must be approved by 60% of the total voting power of such governing body. School Districts will need 60% of the vote from the voting public. Mr. Gleason provided an example that if the tax cap were in place for the fiscal year 2011, the maximum allowable increase would have been 1.6%. The City of Watervliet tax increase for 2011 was 1.5%. It is hoped by Governor Cuomo’s Administration that the tax cap will bring new jobs to New York State. The Administration’s thinking is that Corporations will move into New York for the stable tax climate.

There are some outstanding questions as far as the cap:

Who will determine the Consumer Price Index (CPI), important issue, there could be a % swing in the way the CPI is calculated that could make or break some municipal budgets.

What will be done about unfunded state mandates that increases the cost of all local government (Medicaid for the County’s and Pension expenses for all local government entities).

How will the new tax cap effect future borrowing for municipalities. The credit rating agency Moody’s Investor Service feels that the cap could eventually lead to the downgrading of Bond Status, which the City of Watervliet has worked so hard to increase.

Mr. Gleason concluded by saying that after attending Commissioner McDonalds briefing and researching the Tax Cap legislation he has come to the conclusion that the Tax Cap could succeed only if the State reduces the unfunded mandates it places on all level of government. These are some of the questions that the New York State Conference of Mayors has brought to light about the Tax Cap.

OLD BUSINESS

NONE

NEW BUSINESS

Bruce A. Hidley, City Clerk and Clerk to the Council announced to the Council that the following Ordinance will have no legislative action to it. The Ordinance will strictly be read then the Council will have the opportunity to place this in the agenda at a later City Council Meeting.

An Ordinance of the City of Watervliet, New York, providing that the Code of Ordinances, City of Watervliet be revised by amending Chapter 98, Signs. Mayor Manning explained that there is already a Sign Section in the Code of Ordinance. This would be an amendment to the existing Code. This wasn't so much for business signs as it is for fence signs and lawn signs. Mayor Manning does not want signs to get out of hand. Yorden Huban, Corporation Counsel explained that the original Sign Ordinance was passed approximately 2 years ago. The Ordinance imposes regulations for any sign violation along with penalties.

RESOLUTION NO. 8732 – The Council of the City of Watervliet hereby authorizes and approves the City of Watervliet to participate in and commit to 10 percent challenge to reduce emission levels. Before voting Mayor Manning explained that this is a group called Sustainable Hudson River. They have issued a challenge to the communities not the municipality itself to reduce emissions. This is an overall goal of the City of Watervliet's Climate Action Plan. This does not cost the City any money to participate or make changes. Councilman Foglia asked how the City tracks the reduction. Mayor Manning explained that the City can get data from National Grid. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8733 – The Council of the City of Watervliet hereby authorizes and approves a Service Agreement between the City of Watervliet Fire Department and Healthcare Waste Solutions and further authorizes Fire Chief Scott Skinner to execute the same. **This Resolution was removed from the Agenda. No action taken.**

RESOLUTION NO. 8734 – The Council of the City of Watervliet hereby approves the recommendation from General Manager Mark Gleason that the bids received on Tuesday, May 17, 2011 in accordance with Resolution No. 8713 dated April 21, 2011 for Contract No. 70, Hillside Drive and 23rd Street be rejected. Before voting Mark Gleason, General Manager explained that the City felt that there was a little too much fat in this bid. An example was \$4,500 for traffic control for Hillside Drive during the summer. The City's estimate for both projects came in at approximately \$260,000. The lowest bid was over \$100,000 above the City's estimate. Mr. Gleason felt that the best thing to do would be to separate the projects which is what Resolution No. 8735 does. The City is hoping that this will attract more bidding prospects. Councilman Foglia asked how much funding was received from the NYS Legislature.

Mr. Gleason responded by saying that he wanted to THANK Senator Neil Breslin who obtained \$142,000 in Multi-Model Funds to pay for this project. NYSDOT has no problem extending the date due to these circumstances. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8735 – The Council of the City of Watervliet hereby authorizes Bruce A. Hidley, City Clerk and Clerk to the Council to advertise once in the official newspaper that sealed bids will be received on Tuesday, July 26, 2011, at 10:30 AM, City Hall, #2-15th Street, Watervliet, New York for Contract 70A – Hillside Drive Improvements or Contract 70B – 23rd Street Improvements. Before voting General Manager Mark Gleason explained that the City hopes to get more potential contractors to bid by bidding 23rd Street and Hillside Drive separately. Mr. Gleason noted that the City has added storm water protection to the bidding procedure to help the residents of Hillside Drive and 12th Avenue. There will be more rip rap done, changes made to the way the storm water flows into the storm system. Additionally, the City is cleaning the area at least three times a year compared to just once a year. The City is working on a plan to help the residents on Hillside Drive by utilizing summer help to build a berm adjacent to the Walter Spiak property. The City made some improvements last year and will do more this summer. The Town of Colonie Storm water Coordinator stated that Hudson Preserve has made some changes along the inlet road along with other minor changes. Mr. Gleason stated that there is no doubt that the Town of Colonie needs to do more to help with the Hillside Drive situation. The problem is that there are no catch basins on the west side and the water just keeps on running creating large trenches. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8736 – The Council of the City of Watervliet hereby authorizes and approves General Manager Mark Gleason's execution of an Energy Service's Agreement dated June 15, 2011 between the City of Watervliet and Hess Corporation, One Hess Plaza, Woodbridge, New Jersey 07095 for energy services. Before voting Mark Gleason, General Manager explained that this contract will allow the City to purchase its power on the open market. This is the 4th year the City has doing this type of energy purchase. Mr. Gleason explained that this is working very well for the City. The City has saved over \$10,000 in power costs throughout this year. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8737 – The Council of the City of Watervliet hereby authorizes and approves Mayor Michael P. Manning to execute an agreement between the City of Watervliet and Tech Valley Communications for telephone service for the period July 7, 2011 and ending on July 6, 2014. Before voting Mark Gleason, General Manager explained that Tech Valley will be taking over as the carrier of the City's phone service will save approximately \$29,000 over a three year period. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8738 – The Council of the City of Watervliet hereby authorizes and approves Mayor Michael P. Manning to execute an agreement with Clough Harbour Associates to provide web hosting services from July 1, 2011 and ending on June 30, 2012 for the amount of \$300.00. Before voting Mark Gleason, General Manager explained that the City's current server is running out of space. The City will have CHA host the GIS data. This will eliminate the City's need to purchase this server space. Mr. Gleason noted that the City is going to purchase a new server in 2012. At that time the City may bring this back in house the Data will be backed up daily at the data center in CHA. They will provide maintenance, software and upgrades. Mayor Manning noted that there is no change of the location of the server. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

RESOLUTION NO. 8739 – The Council of the City of Watervliet hereby authorizes and approves the Stipulation of Settlement in the matter of the application of Golub Properties of Watervliet, Inc./Price Chopper Operating Co. Inc. Vs. the City of Watervliet. Before voting Yorden Huban, Corporation Counsel explained that this subject matter is a petition which was filed by Golub Properties against the City of Watervliet for a review of their tax assessment. They were seeking a reduction of their taxable assessment. The City of Watervliet's outside Counsel Hacker & Murphy has been handling this court related matter. Mr. Huban stated that the two parties have come to a tentative agreement that the taxable assessment will be decreased for 2009, 2010 and 2011. This Resolution will end the litigation for these years. Mr. Huban then provided the Council with the exact number of the assessment reduction. Robert A. Fahr, Director of Finance explained that the reimbursement money would come out of his account then a transfer would be made at the end of the year. This type of transaction does not have a separate settlement account. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

RESOLUTION NO. 8740 – The Council of the City of Watervliet hereby authorizes a Public Hearing on Thursday, August 4, 2011, for the purpose of hearing those persons who wish to be heard regarding the City of Watervliet acting as the Lead Agency in the Environmental Review of the Comprehensive Capital Grant Program for the Watervliet Housing Authority. Before voting Yorden Huban, Corporation Counsel explained that this is a necessary step in order for the Housing Authority to obtain Federal Funding reimbursement. Mayor Manning noted that the City of Watervliet does this step for the Housing Authority every year. Upon motion of Councilwoman Fogarty, seconded by Councilman Foglia, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

ITEM #1 – Robert A. Fahr, Director of Finance informed the Council that the City received its first payment for mortgage tax in the amount of \$40,000.00. Mr. Fahr went back to 2007 to review the same period which was \$133,000.00. The sales just aren't coming in like they used to. Included in the \$40,000.00 are the 35 first time home buyers. In the 2012 budget Mr. Fahr plans on reducing the mortgage tax income to \$80,000.00. Mr. Fahr noted that this payment is for October 2010 thru March 2011.

ITEM #2 – Robert A. Fahr, Director of Finance informed the Council that on the August 4, 2011 City Council Meeting he would like to a six month review of all the revenue and expenditures. Mr. Fahr noted that by that time he will have the second Sales tax payment received. In this analysis Mr. Fahr will have the major expenditures for Police/Fire overtime, ambulance revenue, landfill charges, sales tax, mortgage tax and utility tax.

PUBLIC COMMENT PERIOD

Patrick Snyder – 1415 1st Avenue – Watervliet, New York – Mr. Snyder explained to the Council that his family can't sleep at night from 9:30 at night until his neighbors decide to go to bed which is early in the morning. Mr. Snyder calls the Police Department and as soon the Police leave the noise starts right back up. These are kids around the age of 18 years old who have children themselves. The other issue is the neighbors working on a boat all night long. Mr. Snyder noted that the problem stems from two homes on the block. Chief Ron Boisvert stated that if the address has numerous calls at it this department can start the Public Nuisance Law (PNL) process for those two addresses. Chief Boisvert will have his department patrol this area and that if numerous calls come into these two addresses he will begin the PNL process. The problem the Police Department has is that it is tough to determine an unreasonable noise level because the noise stops as soon as the Police pull up. The PNL process affects the homeowner not the tenants. A discussion was held regarding the possibility of a curfew. The bottom line is that curfews don't work. Yorden Huban, Corporation Counsel has a file just on this subject only. Chief Boisvert asked Mr. Snyder to continue calling so that the Police Department can begin the process of documenting the calls for noise complaints.

There being no further business to come before the Council a motion was made and seconded to adjourn into Executive Session. The meeting was adjourned into Executive Session at 7:50 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council